

REMARKS

This Response is submitted in reply to the Office Action dated May 19, 2009. Claims 14-25 are currently pending. Claims 14 and 25 are in independent form. No claims are being amended by way of this response. Enclosed is a One-Month Extension of Time to reply to the Office Action. Please charge deposit account 02-1818 for all fees due in connection with this Response.

The Office Action rejected claims 14 and 25 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,968,309 to Makinen et al. ("Makinen") in view of U.S. Patent No. 6,721,707 to Chu et al. ("Chu") and further in view of 6,188,980 to Thyssen. ("Thyssen"). Applicants respectfully disagrees with, and traverses, such rejections.

Independent claim 14 recites, among other elements, "determining if the error concealment was performed by evaluating the data received." Similarly, independent claim 25 now recites, among other elements, "determining if the error concealment was performed by evaluating and statistically analyzing the received data."

Makinen, *Chu*, and *Thyssen*, alone and in combination, fail to teach the foregoing claimed elements for at least the following reasons. The Office action concedes that *Makinen* and *Chu* fail to teach this feature (page 7). *Thyssen* also fails to teach this feature. *Thyssen* merely teaches a method of encoding that that uses line spectral frequency concealment. Encoding a signal using line spectral frequency concealment is not "determining if the error concealment was performed by evaluating the data received" as currently claimed.

Each of the other pending claims depends directly or indirectly from independent claim 14. Therefore, for the reasons provided above, Applicants submit that all of the pending claims are in condition for allowance.

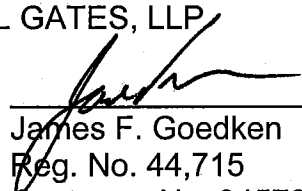
An earnest endeavor has been made to place this application in condition for formal allowance, and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, applicants respectfully request that the Examiner contact the undersigned.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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